

U.S. Department of Justice
United States Marshals Service

/ UNCLASSIFIED//FOR OFFICIAL USE ONLY /

////////// FIELD REPORT //////////

BASIC INFORMATION**Title of Report**

Supplemental Investigation Into Missing External Hard Drive

Date

12/20/2019

Reporting district / Division

VT-D | District of Vermont

Type of occurrence

Prisoner

Incident ID

INCID-19-13106

NARRATIVE**Description of occurrence**

Addendum Report of SDUSM Carl Staley dated December 20, 2019: This is an addendum to the report authored by DUSM William Tufts, regarding the inquiry into the missing hard drive utilized by Brian FOLKS at Northwest State Correctional Facility.

On December 4, 2019, SDUSM Carl Staley and AUSA William Darrow went to Northwest State Correctional Facility ("NWSCF") to conduct interviews with Vermont Department of Corrections employees who dealt directly with the computer equipment and Brian FOLKS ("FOLKS") during his time at NWSCF.

Security and Operations Supervisor Matthew Brouillette walked us through the facility and provided an overview of the procedures utilized at NWSCF to allow FOLKS access to his computer equipment. The parameters were set in place by Superintendent Greg Hale through an email Hale sent on December 11, 2018 to his shift supervisors and FOLKS' caseworker, James Gillis. SOS Brouillette provided a copy of the email to SDUSM Staley.

The rules required the laptop to be stored in the secured cabinet in the Supervisor's office. A log sheet would be created to annotate all activity of the laptop. While being secured inside his individual cell, FOLKS would be allowed to use the computer and then return it to a DOC officer. SDUSM Staley followed up with Superintendent Hale on December 11, 2019, who confirmed he wrote the email and recalled receiving the computer from Mark Kaplan or one of Kaplan's assistants with a copy of the court order.

The computer log provided the evidence that staff understood and followed the rules set forth by Superintendent Hale. The log, titled "Folks, Brian Laptop sign out" has columns labeled Date, Laptop Out, Laptop In, Initials and rows of entries starting on 12/11/18 through 5/17/19.

The final entry is a date with an unsigned note; on 5/17/19 "Given to CSS Muller." NWSCF Staff were interviewed and they were unable to definitively identify who wrote the remark. Living Unit Supervisor (LUS) Dawn Muller was questioned about the laptop and stated the computer and bag were placed in her office on or around May 17, 2019 and not handed to her directly. She did not touch the computer bag or its contents and instead, left it on her office table where she had first noticed it.

On May 23, 2019, FOLKS requested and was provided the laptop, without being reflected in the log, but was acknowledged in emails between Correctional Facility Shift Supervisor Jordan Pasha and Assistance Superintendent Michael Beyor. It was on this date, that NWSCF was alerted of the missing hard drive by FOLKS. Facility staff searched for the device and was unable to find it. Subsequent discussions with Mark Kaplan and Natasha Sen confirmed they did not have the external hard drive and did not know its whereabouts.

While at the facility on December 4, 2019, LUS Muller provided SDUSM Staley with a Property Disposal Form. The form is signed on May 10, 2019 by FOLKS to have Cassandra Folks pick up some of his property. The property is described as follows: legal material, legal book, pictures, Jay Day Tablet.

**Government
Exhibit B**

The bottom of the form is signed on May 11, 2019 by FOLKS, Cassandra Folks, and a NWSCF staff member. SOS Brouillette explained this property, as a part of normal policy and procedures at NWSCF, would be handed from inmate FOLKS to a corrections officer at the beginning of an inmate visitation time and then from the corrections officer to the visitor, in this case, Cassandra Folks, at the end of the visitation period. The signatures note that Brian FOLKS' property was properly handed over to Cassandra Folks. A review of FOLKS' visitation logs confirmed that Cassandra Folks visited him on May 11, 2019.

On December 12, 2019, SDUSM Staley received compact discs from SOS Brouillette of recorded prison calls made by FOLKS on May 11, 2019 and May 12, 2019, and received a print out of FOLKS approved contacts sheet. There were two (2) calls from FOLKS to 802-825-██████ on 5/11/19 and one (1) call to 646-966-██████ on 5/12/19. On the NWSCF approved call list for FOLKS, phone number 802-825-██████ is identified as Cassandra Folks. Telephone number 646-966-██████ is identified as Tyquasia Geiger.

During the May 11, 2019 call, Cassandra Folks asks FOLKS, "What is this blue thing?" when she is looking through his property and his response is to put the blue box in the safe. SDUSM Staley can confirm the voice on the recording is Cassandra based on his own experience speaking with Cassandra Folks.

On May 12, 2019, FOLKS calls telephone number 646-966-██████. During that call, he makes reference to his case being poorly handled and feeling railroaded by his attorneys. FOLKS states he has evidence to prove he had ineffective counsel and his appeal is guaranteed. Shortly thereafter, he tells the caller to go to Cassandra's house and take the little blue box out of the safe. He requests that they hold onto it for him.

On December 20, 2019, SDUSMs Staley and John Curtis interviewed Cassandra Folks at her residence, ██████████ South Burlington, VT. Cassandra denied any knowledge of a blue box and stated she didn't remember anything other than paperwork. When asked if she was being truthful, she said I don't know, I don't remember. SDUSM Staley provided his contact information in case she remembered anything else and departed.

SDUSM Staley called 646-966-██████ and spoke with Ms. Geiger. Ms. Geiger stated she was willing to speak with SDUSM Staley at her residence ██████████ Burlington, VT. However, when SDUSMs Staley and Curtis arrived and inquired about the blue box, Ms. Geiger became agitated and belligerent with investigators, while denying any knowledge of a blue box. SDUSMs Staley and Curtis left, after providing contact information and having obscenities shouted at them.

At this point, the investigation will be closed and the hard drive has been determined to be lost and unaccounted for.

SIGNATURES

Name of person reporting

Carl Staley

Signature

CARL STALEY Digitally signed by CARL STALEY
Date: 2019.12.20 17:03:51 -05'00'

Working title

SDUSM

Date

12/20/2019

Name of approving official

John P. Hall

Signature

JOHN HALL Digitally signed by JOHN HALL
Date: 2019.12.20 17:10:40 -05'00'

Working title

Chief

Date

12/20/2019

Distribution

☐ District

☐ Headquarters

☐ Other

SPECIFY...

CLEAR FORM